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Attorneys for Plaintiff  
JESSE GUZMAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
NORTHERN DISTRICT OF CALIFORNIA

Civil Division

JESSE GUZMAN,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No.:

COMPLAINT FOR DAMAGES ARISING  
FROM DENTAL MALPRACTICE  
COMMITTED BY FEDERAL EMPLOYEE

DEMAND FOR JURY TRIAL

I. PARTIES TO THIS COMPLAINT

1. Plaintiff JESSE GUZMAN is a citizen of the United States of America residing within the City of San Jose, County of Santa Clara at all times relevant to this Complaint.

2. Plaintiff has complied with the required Federal Tort Claims Act requirements before filing this lawsuit as well as the statutory pre-filing notice requirements under California law.

3. Defendant is the UNITED STATES OF AMERICA, which pursuant to 42 U.S.C. section 233 has been deemed to be the employer, by and through the Department of Public Health Services, of Bryant W. Lee, D.D.S. and Tri-City Health Center a.k.a. Bay Area Community Health with respect to said defendants' acts and omissions committed against Plaintiff JESSE GUZMAN on or about or about February 8, 2021 while said employees were acting within the course and scope of said employment when such acts and omissions were

committed, as further alleged below.

## II. BASIS FOR JURISDICTION

4. The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. 1346(b)(1) and 42 U.S.C. section 233(c).

## III. STATEMENT OF CLAIM

### (Negligence)

5. On or about February 8, 2021, Plaintiff JESSE GUZMAN presented to Dr. Bryant W. Lee at the Tri-City Health Center a.k.a. Bay Area Community Health in San Jose California, County of Santa Clara for a tooth extraction procedure.

6. During the procedure, Dr. Bryant W. Lee negligently extracted the wrong tooth and failed to remove the correct tooth leaving plaintiff in prolonged pain and suffering, including the permanent loss of a healthy tooth, enduring a second procedure to remove the infected tooth, and forcing him to receive a tooth implant to replace the healthy tooth that was removed.

7. Said acts or omissions of Dr. Bryant W. Lee fell below the applicable standard of care a reasonably prudent dentist owed to plaintiff.

8. As a legal and proximate result of said negligence, Plaintiff has suffered personal and economic injury in the form of actual, consequential, and general damages.

## IV. RELIEF

WHEREFORE, plaintiff respectfully asks the Court to award him lost wages, consequential damages, general damages and any other relief the court may deem appropriate upon a finding of liability against Defendant.

## V. DEMAND FOR JURY TRIAL

Plaintiff hereby requests a jury trial in this matter.

DATED: April 11, 2022

CAMARENA LAW OFFICE, A.P.C.

By:

*Ignascio Camarena II*

Ignascio G. Camarena II,  
Attorney for Plaintiff JESSE GUZMAN